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## I. STATEMENT OF POLICY


It is the policy of the Department of Children and Family Services \* (DCFS) to place foster children in a care setting which is least restrictive, most appropriate setting available and in close proximity to the parent’s home, consistent with the best interest and special needs of the child. ACT 350 of the 2021 Louisiana Regular Legislative session requires diligent \*\* and concerted efforts to search and identify all adult relatives, fictive-kin, and/or significant individuals \*\*\* immediately when a child enters foster care. Diligent searches should be completed no later than 30 days which shall include interviews with the child’s parents, identified relatives and significant persons. Comprehensive searches of databases shall be utilized to locate and identify all adult relatives or individuals who have a significant relationship to the child. Refer to \*\*\* \* [6-201, Diligent Efforts to Visit Parents](#). If a foster child is placed with a relative as a noncertified caregiver, the caregiver is notified of the Department’s expectation of certification immediately upon placement of the child in their home. This provides for increased placement stability and more timely attainment of permanency for the child.

ACT 189 of the 2018 Louisiana Regular Legislative session changed Children’s Code article 672 to allow the court, for good cause, to have the authority to disapprove a child’s care setting. If the presiding judge believes the care setting to not be in the child’s best interest, the judge may issue a written order to DCFS and set a contradictory hearing. During the contradictory hearing the Foster Care case worker must be able to clearly articulate to the court how the current care setting is the most suitable care setting for the child. If the judge does not approve the care setting, yet DCFS continues to believe the care setting to be in the child’s best interest, the case worker should immediately notify the district attorney, Bureau of General Counsel, (BGC) or other attorney representing DCFS to appeal the court’s decision.

It is paramount the best interests of the child be considered in all decision making related to the placement of the child. Consideration of all elements covered in this section of policy are part of making this “best interest” determination. It is important the case worker consider the input of all involved parties such as the child’s current caregivers, child’s parents, child (to the degree age appropriate), child’s CASA, child’s attorney and other individuals involved in the care or supervision of the child. All considerations in the best interest determination should be documented in the child’s case notes to support the placement decision. Refer to 6-835 regarding Contradictory Hearings on placements of children in DCFS custody.

Unless necessary to achieve an emergency care setting for the safety of the child, no establishment of a care setting for a child in foster care shall occur in a care setting where the caregiver has not completed a training approved by DCFS. That \*\* includes, but is not limited to, knowledge and skills relating to the reasonable and prudent parent standard for participation by the child in age or developmentally appropriate activities as defined below:

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1. **“Reasonable and prudent parent standard”** means the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interest of a child, while at the same time, encouraging the emotional and developmental growth of the child that the caregiver shall use when determining whether to allow a child in foster care, under the responsibility of the State, to participate in extracurricular, enrichment, cultural, social, and sporting activities. No decisions shall be made that conflict with the child’s parents’ residual parental rights.
- \* 2. **“Age or developmentally appropriate”** means activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity, or that are determined to be developmentally appropriate for a child based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group. In the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child.

When an emergency care setting is necessary in a home with a family not already certified and trained by DCFS, the Child Welfare Caregiver Handout shall be provided to the family and reviewed by the **Foster Care** case worker at the initial contact with the caregiver family.


All policy related to identifying a care setting for a child in foster care is applicable whether the care setting is an initial care setting, or a change in care setting to achieve the child’s case plan goals or provide the child a more appropriate care setting based on the child’s daily care needs at the time.

## II. PROCEDURES

### A. LEAST RESTRICTIVE AVAILABLE PLACEMENT

In accordance with [Public Law 96-272](#), foster children shall be placed in the least restrictive, most family-like, **and** most appropriate care setting available, and in close proximity to the **parents’ \*\*** home, consistent with the best interest and special needs of the child. In most situations, the progression of care setting consideration begins with a non-custodial parent or relative resource and moves to certified family foster care or other specialized types of foster homes. Among relative resources, priority for a care setting shall be given to relatives who can be certified as a foster/adoptive home and are willing to commit to adopting the child if reunification is not achieved. **\*\*\***

A general scale for determining restrictiveness is as follows:

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**Less Restrictive**

**More Restrictive**

Non-Custodial Parent

Relative/Fictive Kin capable of foster/adoptive certification

Non-certified Relative/Fictive Kin Home

Certified Foster Family Home

Group Home

Institution (more than 15 children)

All care setting decisions should be determined in consideration of the best interest of the individual child. It is critical the case worker engage members of the child’s case planning team such as the current caregiver, parents, CASA, child’s attorney, tribe (if applicable), etc., when making decisions about care settings. It is important the team engage in a joint decision making process to ensure the necessary transitions go smoothly to reduce trauma to the child. It may be appropriate to involve the child in the decision making process based on age and development.


**B. CLOSEST TO HOME**

Children should be placed in a care setting within their home parish or an adjoining parish unless there is a clear and compelling reason for the care setting to be made at a greater distance from their own family. If a child cannot be placed in his home parish or an adjoining parish, other parishes in that region should be contacted to try to locate a care setting resource. Home Development staff in the \* Foster Care case worker’s region should be contacted for assistance.

The exception to remaining in close proximity to the child’s home parish or surrounding area would be if there is a relative or fictive kin caregiver who lives elsewhere; with whom the child has a very close relationship, the child wishes to live with the relative, and, the relative is willing to make the necessary efforts to sustain the relationship with the family while the child is in foster care.

**C. ESTABLISHING A CARE SETTING WITH RELATIVES / FICTIVE KIN**

When a child cannot safely reside in the home of a parent, the child should be placed in the home of suitable relatives/fictive kin, if such care setting is in the best interest of the child. Children's Code Articles [622](#), [627](#) and [6-400, Placement of the Child](#) provide rules for establishing a care setting with a suitable relative/fictive kin who is the age of majority and who is willing to assume care of the child if such care setting is in the child’s best interest. Relatives and fictive kin should always be considered as a care setting option for a child prior to placing a child in other types of family homes when the relative and fictive kin have passed all criminal and agency clearance requirements outlined in 6-400, Placement to the Child \*\* \*\*\*. It is

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expected that the relatives /fictive kin will either adopt the child, assume guardianship of the child, or assist the child to move to another permanent care setting if reunification with a parent is not possible.

In order to expedite permanency for the child, all identifiable relatives/fictive kin shall be notified of the child’s entry into foster care immediately upon entry, if not already notified during the Child Protective Services assessment phase. Workers shall utilize the Family Connections form and Circle of Influence form to identify all potential relatives and/or fictive kin that may be willing to be a connection for the child.


The case worker shall send the [Relative Notification Letter](#) to all identified relatives and significant persons within five working days from the date the address has been provided to the worker via regular and certified mail. The case worker shall notify all grandparents; all parents of a sibling of the child, where such parent has legal custody of the sibling; and other adult relatives of the child. This notification should include that the child has been or is being removed from the custody of his or her parents, provide information that the relative can participate in care and/or placement of the child, requirements to become a foster parent to the child, services that may be available to them should they become a caregiver, and clarify any misconceptions the relative may have regarding participating in the child’s care. If the relative cannot provide care for the child, relatives should be encouraged to support the child in other ways such as being a visitation resource.

If the relative, fictive-kin, or significant persons are interested in becoming a care setting for the foster child, staff shall clearly explain to relatives and fictive kin, the need to provide a care setting to the child from the beginning. \* Failure \*\* to respond within 90 days of the date of the receipt from the Relative Notification Letter may result in the child not being placed in their home, as significant bonding has already begun with the child’s current caregiver particularly with very young children. See \*\*\* [6-305, Guidelines for Care Setting Decision Making for Children Under Age 6](#), for additional guidance on establishing and securing a care setting for very young children.

Relatives are notified of the Department’s expectation of certification immediately upon the child’s placement in the home.

Factors to be considered in relative placement include:

- Any request the family may have for placement with a specific relative;
- Geographic proximity of the relatives to the parent when the plan is reunification;
- Openness to applying QPI principles while engaging and supporting the child’s parents;
- The attachment between the child and any relatives interested in caring for the child;

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- Geographic proximity to the school in which the child is enrolled at time of placement;
- The ability of the prospective placement to provide supervision and structure necessary to meet the specific needs of the child and
- Willingness of the caregiver to provide a permanent home for the child, if needed.

Placement with relatives should be considered in the following order:

- When a child cannot safely reside in the home of a parent, the child should be placed in the home of suitable relatives who can be certified, if such placement is in the best interest of the child. This offers the child the greatest potential for permanency in the future if reunification with a parent is not achieved.
- When more than one relative or fictive kin is interested in providing a placement for the child, the case worker and supervisor must consider which relative is the most suitable to meet the needs of the child.
- If the child has a significant relationship with a relative or fictive kin who cannot be certified, then the child should be placed in the home, if it is in the best interest of the child and is within permanency goal criteria. Refer to [6-840, Permanent Plan Goal Reunify with Parent\(s\) or Principal Caregiver \(s\)](#), [6-845, Permanent Plan Goal Adoption](#), [6-854, Permanent Plan Goal Guardianship](#), and [6-860, Permanent Plan Goal Alternative Permanent Living Arrangement](#).


If at any point any care setting of the child disrupts, relatives and fictive kin of the child should be reassessed to determine if it is in the child’s best interests at the current point in time to achieve care in the home of the relative or fictive kin. The previous caregiver is to be engaged to the greatest degree possible to assist in achieving the transition of the child into the new care setting.

#### **D. NORMALCY AND REASONABLE AND PRUDENT PARENT STANDARD**

Caregivers must provide normalcy for children in foster care, and the reasonable and prudent parent standard is to be exercised by all caregivers of a child in the custody of the state.

Provisions relative to the “reasonable and prudent parent standard” and “developmentally appropriate activities or items” (normalcy) for children in foster care include:

- States must permit the use of the “reasonable and prudent parenting standard” in their standards for foster family homes and child care institutions.
- Child care institutions must have an on-site official authorized to apply the “reasonable and prudent parenting standard.”
- States must have policies for foster parents and private entities applying the “reasonable and prudent parenting standard” to ensure appropriate caregiver liability when approving an activity for a child in foster care.

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- Each child care institution’s authorized official must have the same training on the “reasonable and prudent parenting standard” as foster caregiver.
- Requires states to certify that foster parents have skills and knowledge on the “reasonable and prudent parent standard.”
- Children in foster care are to be allowed to participate in normal and beneficial activities.
- Defines “age or developmentally appropriate” as suitable, developmentally appropriate activities or items for children of a certain age or maturity level based on the capacities typical for the age group of the individual child.
- Document in the case plan every six months and in the court report for the permanency hearing the steps \* DCFS is taking to ensure the caregivers follows the “reasonable and prudent parent standard” and whether the child has regular opportunities to engage in “age or developmentally appropriate activities.”

All staff assigned case responsibility for a child in foster care are required at the initial visit with a child’s caregiver in the child’s place of residence to provide the caregiver with the “Child Welfare Caregiver Handout”. Staff are also to discuss the expectations for caregivers to exercise reasonable and prudent decision making in the care of the child while providing age or developmentally appropriate activities and items to the child to promote normalcy for the child while in foster care.


DCFS staff and caregivers of children in foster care are expected to utilize the resources currently available in accomplishing these expectations as well as resources they are able to develop within the community for support in serving children. All efforts, discussions, and planning are to be documented in FATS for the child.

**E. ESTABLISHING A CARE SETTING IN DCFS SUPERVISED FACILITIES ONLY**

Children shall be placed in homes and facilities approved and supervised by DCFS. \*\* This applies even in the case of noncertified relatives and friends (fictive kin) who must be assessed to determine their ability to provide safety and adequate care for the child.

**F. NONDISCRIMINATORY CARE SETTING SELECTION**

There shall be no discrimination in the placement of children on the basis of race, color, or national origin in accordance with the [Social Security Act, Part E, Sections 471.18.A-B](#). DCFS staff shall not deny to any person the opportunity to become a foster parent, on the basis of the race, color, national origin, sexual orientation or gender identity expression of the foster parent or the child involved. Additionally, staff shall not delay or deny the care setting of a child into foster care, on the basis of the race, color, national origin, sexual orientation or gender identity expression of the foster parent, or the child involved.

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When selecting a foster family for a child, DCFS staff should consider the best interest of the child. Factors considered in the care setting decision shall be documented in the case record as well as the rationale for selecting a family.

Child related factors that may be considered are listed below:


- Current functioning and behaviors;
- Medical, educational and developmental needs of the child that may include experience and training of a caregiver, as well as a home located within reasonable travel distance for access to medical and other service providers;
- Sexual orientation, gender identity expression
- History and past experiences;
- Interests and talents;
- Attachment to current caregivers and relatives; and
- Child's personal preference that he can articulate and discuss.

Factors that may be considered in assessing the prospective caregiver's suitability to care for a particular child are their abilities to:

- Form relationships and bond with the child;
- Help the child integrate into the family;
- Accept the child's background as well as their sexual orientation and/or gender identity expression and help the child cope with his or her past;
- Accept the behavior and personality of the child;
- Meet the child's particular educational, developmental, or psychological needs;
- Meet the child's linguistic, dietary, musical, or athletic needs; and
- Meet the special care needs of a medically fragile, premature and/or substance exposed infant

Another consideration for prospective parents is their willingness to assist in the child's return to the family from whom they were removed or, if this is not possible, the willingness to provide a permanent home for the child or assist in the achievement of a permanent home in accordance with the DCFS case plan.

A generalization shall not be made about the identity needs of children of a particular race or ethnicity or about the abilities of **\* a particular** race, ethnicity, sexual orientation, **or** gender identity expression to care for, or nurture the sense of identity of a child of another race, culture, or ethnicity. Nor shall a presumption be made from the race, ethnicity, sexual orientation, **or \*\*** gender identity expression of the prospective parents that those parents would be unable to maintain the child's ties to another racial, ethnic, or cultural community.

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If it appears that the child does have distinctive needs related to race, color, sexual orientation, gender identity expression or national origin, the case worker should document his responses to the following questions:

- What are the child's special or distinctive needs based on race, color, sexual orientation, gender identity expression or national origin?
- Why is it in the child's best interest to take these needs into account?
- Can the child's needs related to race, color, sexual orientation, gender identity expression or national origin be met without delaying the care setting and placing the child at risk of other harms?
- Can these needs be met by the prospective foster or adoptive parent who does not share the child's racial or ethnic or sexual orientation or gender identity expression background?
- Can these needs be met only by a same race/ethnic or sexual orientation or gender identity expression care setting? If so, is some delay justified in order to search for a parent of the same race or ethnicity or sexual orientation or gender identity expression, if an appropriate person is not available in the Department's current files?
- Can the child's special needs be taken into account without denying the child an opportunity to be cared for in a readily available foster home?

## **G. ESTABLISHING A CARE SETTING WITH SIBLINGS OR INFANT OF MINOR MOTHER IN FOSTER CARE**


Siblings should be placed in the same foster home if at all possible unless contraindicated by an assessment of the sibling relationship. For siblings who have never known or lived with one another, it is not required the siblings be placed together if being in a care setting together is contraindicated by the best interests of one of the siblings. Care setting decision making should be based on the individual best interests of each child and sustaining any existing bonds one child may have, particularly if one child is very young and there is a caregiver which has been the primary caregiver for the young child the majority of the child's life. Sexual aggression between siblings may contraindicate placement together.

It is expected that an infant will be placed in the same foster home with the infant's minor mother who is in foster care, unless contraindicated by the circumstances leading to the infant's entry into foster care or other considerations which would indicate joint placement to place the infant at risk of harm. A care setting must be chosen where the foster caregiver will support the minor mother in becoming a self-sufficient parent.

If a minor mother has custody of her child, **\* DCFS \*\*** will ensure she has child care while she is completing her education to the degree available through department resources.

When siblings are not placed together or infants and minor parents are not placed together,



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\* the care setting shall be made in as close proximity as possible to allow for frequent contact with ongoing efforts throughout the case involvement to remove barriers to shared care setting. All replacements for any member of a sibling group or infant/minor parent in foster care shall include consideration of options for care setting together. It is recognized there may be extenuating circumstances and if circumstances exist, the case worker should consult with the child’s team to discuss care setting considerations which are in the child’s best interest and develop solutions. If it is contraindicated to place siblings together or an infant with a minor parent, the reasons should be clearly indicated in FATS to demonstrate how the best interests of each child is being served.

## H. CARE SETTING ALLOWING PLACEMENT IN THE SAME SCHOOL

Reasonable efforts should be made to locate a care setting which will allow the child to continue enrollment in his present school. When it is necessary to place a child outside their current school district, the child should be placed within a reasonable distance to allow for ongoing attendance through coordinated transportation by DCFS, the local school district and the foster caregiver, if in the child’s best interest.

## I. SAME FAITH HOMES

Where possible, a child should be placed in a home which will support continued participation in the child’s religious faith.


## J. COST EFFECTIVENESS

Priority shall be given to placing children in DCFS certified /noncertified foster family homes and other state agency funded care setting resources over DCFS private provider care setting resources for which DCFS must pay board, when either care setting resource is appropriate to meet the child's needs.

## K. CARE SETTING CONTINUITY

When a child who has previously been in foster care returns to care, the foster home where he was previously placed should be the first care setting considered for the child before other foster home options are explored. However, any noncustodial parent or relative caregiver shall be considered first, if available to provide care for the child. If there is a reason the child should not be placed with a noncustodial parent or relative or in the previous foster home, the reasons must be documented in FATS and on the Family Connections Form. \*\*

When a foster child is temporarily absent from a foster caregiver’s home or facility (runaway, hospitalization, etc.), consideration must be given to placement in the home or facility that the foster child left before other care settings are considered. If the child cannot be placed in this same home or facility, the reason shall be documented in FATS.

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## L. PERMANENCY/CONCURRENT PLANNING

Efforts should be made to place children with families who can provide a permanent care setting, should they be unable to return to their parents' custody. This involves placing children with relatives who are willing to adopt, accept transfer of custody, or guardianship of the child instead of providing short term care. Children who are not placed with relatives but are at risk of not being returned to their parents should be placed with foster parents who are prepared to commit to the permanent plan for the child.

## M. INDIAN CHILD WELFARE ACT

Refer to the Indian Child Welfare Act in [Appendix A](#) for care setting considerations when the child is eligible for membership or is enrolled as a member of a federally recognized Native American tribe. The federal [Indian Child Welfare Act \(ICWA\)](#) does not apply to tribes recognized only by the state but not the federal government. However, the consideration of care setting with relatives, family friends, or foster families, who are members of state recognized tribes, is expected when exploring available foster care setting resources. Whether the tribe is able to provide a care setting for the child or not, the tribal leaders should be engaged in identifying potential contacts and other resources within the tribe to support the care of the child and maintain ties with child's Native American cultural heritage and development. Refer to [6-240, Working with Native American Families](#), [8-440, Services to Native American Children – Indian Child Welfare Act Provisions](#) and [6-Appendix A, ICWA](#).


## N. NEGOTIATION WITH INDIAN TRIBES

In accordance with the Title IV-E Social Security Act, as amended by [Public Law 110-351](#), Fostering Connections to Success and Increasing Adoptions Act of 2008, [Section 471\(a\)\(32\)](#), \* DCFS \*\* negotiates in good faith with any Indian tribe, tribal organization or tribal consortium in the state that requests to develop an agreement to administer all or part of the program on behalf of Indian children who are under the authority of the tribe, organization, or consortium. This includes foster care maintenance payments on behalf of children who are placed in state or tribally licensed foster family homes, adoption assistance payments and, if the state has elected to provide such payments, kinship guardianship assistance payments under [section 473\(d\)](#), and tribal access to resources for administration, training and data collection under Title IV- E.

## O. SAFETY IN PLACEMENT

It is the responsibility of the case worker to prepare the care setting provider in caring for a child with gender identity or sexual expression issues.

- The case worker must assess the protective capacity of the caregiver to provide support to the child.

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\* The case worker must make individualized decisions based on physical and emotional well-being of the youth when care settings are made in foster care or residential care settings to ensure safety of the child. \*\*

- The case worker must take into account the youth’s level of comfort and safety, the degree of privacy afforded, the types of housing available and the recommendations of involved, qualified mental health professionals.
- Additionally, the case worker should ensure any other children placed in the family care setting will not present a risk to this child.

## P. TRANSITION PLANNING IN CARE SETTINGS/INITIAL AND ONGOING

Removal of a child from the child’s family is very traumatic even though the child is assessed to be in danger. It is also traumatic for a child to be moved from one caregiving setting to another while in foster care even when the change is made in the best interests of the child or to achieve permanency for the child. Therefore, it is critical to the well-being of the child, regardless of the reason for a transition from one caregiving setting to another, for \* DCFS \*\* to collaboratively strategize with all involved caregivers of the child to reduce the trauma experienced by the child.


Some tools have been developed which can be used to minimize the trauma experienced by a child during a transition from one caregiving setting to another. Those tools include: the Initial Removal Practice Guide; Initial Calls Practice Guide; Icebreaker Meetings Practice Guide; and, the Planful Transition Practice Guide. The Initial Removal Practice Guide is specifically focused on the initial removal of the child from the home of the birth parents or other legal caregiver. However, the considerations offered in the document can be applicable to any removal of a child from a caregiver.

## Q. PLACEMENT DISRUPTIONS

Prior to a care setting change, the case worker along with the supervisor, and the child’s support team (parent’s, attorney’s, foster caregivers and child) should have participated in a Preservation Staffing and developed a transition plan if necessary. If after staffing, the care setting is not in the child’s best interest, all parties involved should be notified within 24 hours of the care setting change. All emergency care setting changes and care settings removals should be purposeful and all parties should be notified within 24 hours of the care setting change.

## III. FORMS AND INSTRUCTIONS

Family Connections [Form](#) / [Instructions](#)  
 Circle of Influence [Form](#) / [Instructions](#)  
 Relative Notification Letter [Form](#) / [Instructions](#)  
[Child Welfare Caregiver Handout](#)

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[Initial Removal Practice Guide](#)

[Initial Calls Practice Guide](#)

[Icebreaker Meetings Practice Guide](#)

[Planful Transition Practice Guide](#)

[CW Guide Sheet for Care Setting Decision Making with Young Children](#)

#### **IV. REFERENCES**

[Louisiana Children’s Code Article 672](#)

[P.L. 95-608, Indian Child Welfare Act of 1978](#)

[Louisiana Children’s Code Article 622](#)

[Louisiana Children’s Code Article 627](#)

[P.L. 96-272, Adoption Assistance and Child Welfare Act of 1980](#)

[P.L. 110-351, Fostering Connections to Success and Increasing Adoptions Act of 2008](#)

[Social Security Act, Part E, Sections 471](#)